

REMARKS

Claims 1-11 are pending in the application. Claims 28-37 have been added.

Claims 12-27 were cancelled upon filing the divisional application as noted in the divisional application transmittal letter (copy enclosed) dated March 9, 2004. A refund of fees charged for additional claims is hereby requested if applied to the divisional case.

Claims 1, 6 and 12-27 have been rejected – claims 1 and 6 under 35 USC §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0099932 to Elliott et al. (Elliott); and claims 12-27 under 35 USC §101 double patenting.

Claims 2-5 and 7-11 have been objected to as being dependent upon a rejected base claim but are otherwise allowable over the prior art.

Specification

By way of the foregoing amendment, Applicant hereby provides updated priority data of the current application to reflect current status of the parent application.

Double Patenting

Claims 12-27 have been rejected under 35 U.S.C. § 101 as claiming the same invention of prior U.S. Patent No. 6,833,289. Please note that the transmittal letter accompanying the divisional patent filing dated March 9, 2004 requested the cancellation of original claims 12-27. So that there is no confusion, claims 12-27 are hereby cancelled, thus obviating the rejection.

Claim Rejections – 35 U.S.C. § 102

Claims 1 and 6 have been rejected. More specifically, claims 1 and 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/009992 to Elliott, et al. (Elliott).

Applicants "Swear Behind" the Elliott Reference

The Elliott patent application was filed November 27, 2002. The parent to which the present divisional application claims priority was filed March 12, 2003. Applicants conceived of the invention much earlier and were diligent to bringing it to practice. Attached is an Affidavit under 37 CFR §1.131 signed by the inventors and attesting to a conception date prior to the Elliott filing date of November 27, 2002, together with corroborating documents evidencing such conception.

Claims 1 and 6 (together with dependent claims 2-5 and 7-11) should now be allowable.

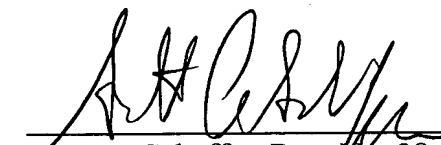
Added Claims

Claims 28-37 have been added. Claim 28 corresponds to claim 2 written in independent form, incorporating limitations of original claim 1. Claim 37 corresponds to claim 11 written in independent form, incorporating limitations of original claim 1. Both claims 2 and 11 upon which the new claims 28 and 37 are based were deemed allowable over the prior art, but objected as to as being based upon a rejected base claim 1. As these matters have been addressed, claims 28 and 37 should now be in proper form for allowance. Claims 29-36 depend upon claim 28 and should likewise be allowable.

For the foregoing reasons, reconsideration and allowance of claims 1-11 and 28-37 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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